



Office of the City Clerk
Legislative Reference Bureau

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January 8, 2004

To the Honorable Committee on
Zoning, Neighborhoods & Development

Dear Committee Members:

On January 7, 2004, the Zoning Code Technical Committee held a hearing on File Number 031137, an ordinance relating to zoning regulations for freestanding signs. The committee reviewed the proposed ordinance for legality, enforceability, administrative efficiency and consistency with the zoning code. However, the committee expressed concern that this legislation, which is designed for a very limited application, may set a dangerous precedent by attempting to deal with a unique situation with an ordinance. If there are problems with the sign standards of the "new" zoning code, the committee feels they should be addressed through substantive amendments to these standards. Also, there are existing options available to developers and property owners who wish to erect signs that deviate from the standards of the Zoning Code (e.g., the Master Sign Program Overlay Zone).

The proposed ordinance provides that a legal nonconforming freestanding sign which is not an abandoned sign and which is located on a lot abutting an arterial street may be replaced with a new nonconforming freestanding sign if certain conditions are met. If this is allowed for freestanding signs, one can argue that it should also be allowed for other types of signs. It also sets precedent for allowing "gradations" of other types of nonconformities (i.e., not just signs, but perhaps nonconforming parking, building setbacks or landscaping).

Because of these concerns, the committee forwarded the proposed ordinance to the Zoning, Neighborhood and Development Committee without recommendation. However, the Zoning Code Technical Committee felt that if it's the Council's intention to pass this legislation, a 6-month or one-year

"sunset clause" should be added to minimize the duration and applicability of the legalized nonconformity.

Sincerely,

A handwritten signature in black ink, appearing to read "T. W. Medhin". The signature is fluid and cursive, with the first name "T." and last name "Medhin" clearly distinguishable.

Teodros W. Medhin, Ph.D., Chair
Zoning Code Technical Committee

cc: Ald. Johnson-Odom
John Hyslop
Tom Gartner
Greg Patin
Barry Zalben
Marty Collins
Stuart Mukamal
Clifton Crump
Jeff Osterman